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HOUSE BILL 1333

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Cooper, Cairnes, Simpson and Van Luven

Read first time 01/24/2001. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to regulation of plumbers; amending RCW 18.106.010,  
2 18.106.020, 18.106.030, 18.106.050, 18.106.070, 18.106.090, 18.106.155,  
3 18.106.170, 18.106.180, and 18.106.250; creating a new section; and  
4 providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 18.106.010 and 1997 c 326 s 2 are each amended to read  
7 as follows:

8            Unless a different meaning is plainly required by the context, the  
9 following words and phrases as hereinafter used in this chapter shall  
10 have the following meaning:

11            (1) "Advisory board" means the state advisory board of plumbers;

12            (2) "Department" means the department of labor and industries;

13            (3) "Director" means the director of department of labor and  
14 industries;

15            (4) "Fuel gas piping" means the craft involved in installing,  
16 altering, and repairing natural gas, manufactured gas, liquefied  
17 petroleum, or a mixture of these gas piping systems. "Fuel gas piping"  
18 does not include the sealing and wrapping of the pipe. "Fuel gas

1 1 piping" is not restricted to activities occurring only within a  
2 building;

3 (5) "Installation" means the connecting and the setting in place of  
4 all pipes, fittings, valves, equipment, and any other components of a  
5 piping system. It does not include the routine or random delivery or  
6 distribution of those components or any other materials that make up a  
7 piping system;

8 (6) "Journeyman fuel gas fitter" means any person who has been  
9 issued a certificate of competency by the department as a journeyman  
10 fuel gas fitter;

11 (7) "Journeyman pipefitter" means any person who has been issued a  
12 certificate of competency as a journeyman pipefitter by the department;

13 (8) "Journeyman plumber" means any person who has been issued a  
14 certificate of competency as a journeyman plumber by the department of  
15 labor and industries as provided in this chapter;

16 ~~((+5))~~ (9) "Medical gas piping" means oxygen, nitrous oxide, high  
17 pressure nitrogen, medical compressed air, and medical vacuum systems;

18 ~~((+6))~~ (10) "Medical gas piping installer" means a journeyman  
19 plumber who has been issued a medical gas piping installer endorsement;

20 ~~((+7))~~ (11) "Pipefitting" means the craft involved in installing,  
21 altering, repairing, and renovating all hydronic heating, steam piping  
22 systems, and fuel gas piping systems. "Pipefitting" does not include  
23 the sealing and wrapping of the pipe. "Pipefitting" is not restricted  
24 to activities occurring only within a building;

25 (12) "Plumbing" means that craft involved in installing, altering,  
26 repairing and renovating potable water systems, liquid waste systems,  
27 and medical gas piping systems within a building. The installation,  
28 repair, or alteration of fuel gas piping systems is not restricted to  
29 activities occurring only within a building. Installation in a water  
30 system of water softening or water treatment equipment is not within  
31 the meaning of plumbing as used in this chapter;

32 ~~((+8))~~ (13) "Specialty plumber" means anyone who has been issued  
33 a specialty certificate of competency limited to installation,  
34 maintenance, and repair of the plumbing or pipefitting of single-family  
35 dwelling, duplexes, and apartment buildings that do not exceed three  
36 stories.

37 **Sec. 2.** RCW 18.106.020 and 1997 c 326 s 3 are each amended to read  
38 as follows:

1 (1) No person may engage in or offer to engage in the trade of  
2 plumbing without having a journeyman plumbing certificate, specialty  
3 certificate, temporary permit, or trainee certificate. A trainee must  
4 be supervised by a person who has a journeyman certificate, specialty  
5 certificate, or temporary permit, as specified in RCW 18.106.070. No  
6 contractor may employ a person to engage in or offer to engage in the  
7 trade of plumbing unless the person employed has a journeyman  
8 certificate, specialty certificate, temporary permit, or trainee  
9 certificate. For the purposes of this section, "contractor" means any  
10 person or body of persons, corporate or otherwise, engaged in any work  
11 covered by the provisions of this chapter, chapter 18.27 RCW, or  
12 chapter 19.28 RCW, by way of trade or business. However, in no case  
13 shall this section apply to a contractor who is contracting for work on  
14 his or her own residence.

15 (2) No person may engage in or offer to engage in medical gas  
16 piping installation without having a certificate of competency as a  
17 journeyman plumber and a medical gas piping installer endorsement. A  
18 trainee may engage in medical gas piping installation if he or she has  
19 a training certificate and is supervised by a person with a medical gas  
20 piping installer endorsement. No contractor may employ a person to  
21 engage in or offer to engage in medical gas piping installation unless  
22 the person employed has a certificate of competency as a journeyman  
23 plumber and a medical gas piping installer endorsement.

24 (3) No person may engage in or offer to engage in the trade of  
25 pipefitting without having a certificate of competency as a journeyman  
26 pipefitter. A trainee may engage in pipefitting if he or she is  
27 supervised as specified in RCW 18.106.070. No contractor may employ a  
28 person to engage in or offer to engage in the trade of pipefitting  
29 unless the person employed has a certificate of competency as a  
30 journeyman pipefitter.

31 (4) No person may engage in or offer to engage in fuel gas fitting  
32 without having a certificate of competency as a journeyman plumber,  
33 specialty plumber, journeyman pipefitter, or journeyman fuel gas  
34 fitter. A trainee may engage in fuel gas fitting if he or she is  
35 supervised as specified in RCW 18.106.070. No contractor may employ a  
36 person to engage in or offer to engage in fuel gas fitting unless the  
37 person employed has a certificate of competency as a journeyman  
38 plumber, specialty plumber, journeyman pipefitter, or journeyman fuel  
39 gas fitter.

1        (5) Violation of subsection (1) ~~((~~or~~))~~, (2), (3), or (4) of this  
2 section is an infraction. Each day in which a person engages in the  
3 trade of plumbing, pipefitting, or fuel gas piping, in violation of  
4 subsection (1) ~~((~~or~~))~~, (2), (3), or (4) of this section or employs a  
5 person in violation of subsection (1) ~~((~~or~~))~~, (2), (3), or (4) of this  
6 section is a separate infraction. Each worksite at which a person  
7 engages in the trade of plumbing, pipefitting, or fuel gas piping, in  
8 violation of subsection (1) ~~((~~or~~))~~, (2), (3), or (4) of this section or  
9 at which a person is employed in violation of subsection (1) ~~((~~or~~))~~,  
10 (2), (3), or (4) of this section is a separate infraction.

11        ~~((~~4~~))~~ (6) Notices of infractions for violations of subsection (1)  
12 ~~((~~or~~))~~, (2), (3), or (4) of this section may be issued to:

13        (a) The person engaging in or offering to engage in the trade of  
14 plumbing in violation of subsection (1) ~~((~~or~~))~~, (2), (3), or (4) of  
15 this section;

16        (b) The contractor in violation of subsection (1) ~~((~~or~~))~~, (2), (3),  
17 or (4) of this section; and

18        (c) The contractor's employee who authorized the work assignment of  
19 the person employed in violation of subsection (1) ~~((~~or~~))~~, (2), (3), or  
20 (4) of this section.

21        **Sec. 3.** RCW 18.106.030 and 1997 c 326 s 4 are each amended to read  
22 as follows:

23        Any person desiring to be issued a certificate of competency as  
24 provided in this chapter shall deliver evidence in a form prescribed by  
25 the department affirming that ~~((said))~~ the person has had sufficient  
26 experience in as well as demonstrated general competency in the trade  
27 of plumbing or specialty plumbing so as to qualify him or her to make  
28 an application for a certificate of competency as a journeyman plumber  
29 or specialty plumber. Completion of a course of study in the plumbing  
30 trade in the armed services of the United States or at a school  
31 accredited by the work force training and education coordinating board  
32 shall constitute sufficient evidence of experience and competency to  
33 enable such person to make application for a certificate of competency.

34        Any person desiring to be issued a medical gas piping installer  
35 endorsement shall deliver evidence in a form prescribed by the  
36 department affirming that the person has met the requirements  
37 established by the department for a medical gas piping installer  
38 endorsement.

1        Any person desiring to be issued a certificate of competency as a  
2 journeyman pipefitter or as a journeyman fuel gas fitter shall deliver  
3 evidence in a form prescribed by the department affirming that the  
4 person has met the requirements established by the department for a  
5 certificate of competency as a journeyman pipefitter or as a journeyman  
6 fuel gas fitter.

7        In addition to supplying the evidence as prescribed in this  
8 section, each applicant for a certificate of competency shall submit an  
9 application for such certificate on such form and in such manner as  
10 shall be prescribed by the director of the department.

11        **Sec. 4.** RCW 18.106.050 and 1997 c 326 s 5 are each amended to read  
12 as follows:

13        (1) The department, with the advice of the advisory board, shall  
14 prepare a written examination to be administered to applicants for  
15 certificates of competency for journeyman plumber ~~((and))~~, specialty  
16 plumber, journeyman pipefitter, and journeyman fuel gas fitter. The  
17 examination shall be constructed to determine:

18        (a) Whether the applicant possesses varied general knowledge of the  
19 technical information and practical procedures that are identified with  
20 the trade of journeyman plumber ~~((or))~~, specialty plumber, journeyman  
21 pipefitter, or journeyman fuel gas fitter; and

22        (b) Whether the applicant is familiar with the applicable  
23 ~~((plumbing))~~ codes and the administrative rules of the department  
24 pertaining to ~~((plumbing and))~~ plumbers, pipefitters, and fuel gas  
25 fitters.

26        The department shall administer the examination to eligible  
27 persons. All applicants shall, before taking the examination, pay to  
28 the department a fee.

29        (2) For purposes of the medical gas piping installer endorsement,  
30 the department may enter into a contract with a nationally recognized  
31 testing agency to develop, administer, and score medical gas piping  
32 installer examinations. All applicants shall, before taking an  
33 examination for a medical gas piping installer endorsement, pay the  
34 required examination fee. The department shall set the examination fee  
35 by contract with a nationally recognized testing agency. The fee shall  
36 cover but not exceed the costs of preparing and administering the  
37 examination and the materials necessary to conduct the practical  
38 elements of the examination. The department shall approve training

1 courses and set the fees for training courses for the medical gas  
2 piping installer endorsement.

3 The department shall certify the results of the examination, and  
4 shall notify the applicant in writing whether he or she has passed or  
5 failed. Any applicant who has failed the examination may retake the  
6 examination, upon the terms and after a period of time that the  
7 director shall set by rule. The director may not limit the number of  
8 times that a person may take the examination.

9 **Sec. 5.** RCW 18.106.070 and 1997 c 326 s 6 are each amended to read  
10 as follows:

11 (1) The department shall issue a certificate of competency to all  
12 applicants who have passed the examination and have paid the fee for  
13 the certificate. The certificate shall bear the date of issuance, and  
14 shall expire on the birthdate of the holder immediately following the  
15 date of issuance. The certificate shall be renewable every other year,  
16 upon application, on or before the birthdate of the holder. A renewal  
17 fee shall be assessed for each certificate. If a person fails to renew  
18 the certificate by the renewal date, he or she must pay a doubled fee.  
19 If the person does not renew the certificate within ninety days of the  
20 renewal date, he or she must retake the examination and pay the  
21 examination fee.

22 The journeyman plumber ~~((and))~~, specialty plumber, journeyman  
23 pipefitter, and journeyman fuel gas fitter certificates of competency,  
24 the medical gas piping installer endorsement, and the temporary permits  
25 provided for in this chapter grant the holder the right to engage in  
26 the work of plumbing, pipefitting, or fuel gas fitting, as a journeyman  
27 plumber, specialty plumber, journeyman pipefitter, journeyman fuel gas  
28 fitter, or medical gas piping installer, in accordance with their  
29 provisions throughout the state and within any of its political  
30 subdivisions on any job or any employment without additional proof of  
31 competency or any other license or permit or fee to engage in the work.  
32 This section does not preclude employees from adhering to a union  
33 security clause in any employment where such a requirement exists.

34 (2) A person who is indentured in an apprenticeship program  
35 approved under chapter 49.04 RCW for the plumbing ~~((construction))~~,  
36 pipefitting, or fuel gas fitting trade or who is learning the plumbing  
37 ~~((construction))~~, pipefitting, or fuel gas fitting trade may work in  
38 the plumbing ~~((construction))~~, pipefitting, or fuel gas fitting trade

1 if supervised by ((a)) an appropriate certified journeyman plumber,  
2 journeyman pipefitter, journeyman fuel gas fitter, or ((a)) certified  
3 specialty plumber in that plumber's specialty. All apprentices and  
4 individuals learning the plumbing (~~(construction)~~) trade shall obtain  
5 a plumbing training certificate from the department. The certificate  
6 shall authorize the holder to learn the plumbing (~~(construction)~~) trade  
7 while under the direct supervision of a journeyman plumber or a  
8 specialty plumber working in his or her specialty. All apprentices and  
9 individuals learning the pipefitting trade shall obtain a pipefitting  
10 training certificate from the department. The certificate shall  
11 authorize the holder to learn the pipefitting trade while under the  
12 direct supervision of a journeyman pipefitter. All apprentices and  
13 individuals learning the fuel gas fitting trade shall obtain a fuel gas  
14 fitter installation training certificate from the department. The  
15 certificate shall authorize the holder to learn the fuel gas fitting  
16 trade while under the direct supervision of a journeyman fuel gas  
17 fitter, journeyman pipefitter, or journeyman plumber. The holder of  
18 the (~~(plumbing)~~) training certificate shall renew the certificate  
19 annually. At the time of renewal, the holder shall provide the  
20 department with an accurate list of the holder's employers in the  
21 (~~(plumbing-construction)~~) industry for the previous year and the number  
22 of hours worked for each employer. An annual fee shall be charged for  
23 the issuance or renewal of the certificate. The department shall set  
24 the fee by rule. The fee shall cover but not exceed the cost of  
25 administering and enforcing the trainee certification and supervision  
26 requirements of this chapter. Apprentices and individuals learning the  
27 plumbing (~~(construction)~~), pipefitting, or fuel gas fitting trade shall  
28 have their (~~(plumbing)~~) training certificates in their possession at  
29 all times that they are performing plumbing, pipefitting, or fuel gas  
30 fitting work. They shall show their certificates to an authorized  
31 representative of the department at the representative's request.

32 (3) Any person who has been issued a (~~(plumbing)~~) training  
33 certificate under this chapter may work if that person is under  
34 supervision. Supervision shall consist of a person being on the same  
35 job site and under the control of (~~(either-a)~~) an appropriate  
36 journeyman (~~(plumber)~~) or an appropriate specialty plumber who has an  
37 applicable certificate of competency issued under this chapter.  
38 (~~(Either-a)~~) An appropriate journeyman (~~(plumber)~~) or an appropriate  
39 specialty plumber shall be on the same job site as the noncertified

1 individual for a minimum of seventy-five percent of each working day  
2 unless otherwise provided in this chapter. The ratio of noncertified  
3 individuals to certified journeymen or specialty plumbers working on a  
4 job site shall be: (a) ~~((From July 28, 1985, through June 30, 1988,~~  
5 ~~not more than three noncertified plumbers working on any one job site~~  
6 ~~for every certified journeyman or specialty plumber; (b))~~ Effective  
7 July 1, 1988, not more than two noncertified plumbers working on any  
8 one job site for every certified specialty plumber or journeyman  
9 plumber working as a specialty plumber; ~~((and (e)))~~ (b) effective July  
10 1, 1988, not more than one noncertified plumber working on any one job  
11 site for every certified journeyman plumber working as a journeyman  
12 plumber; and (c) effective the effective date of this section, not more  
13 than one noncertified pipefitter for every journeyman pipefitter, and  
14 not more than one noncertified fuel gas fitter for each fuel gas  
15 fitter, journeyman pipefitter, or journeyman plumber.

16 An individual who has a current training certificate and who has  
17 successfully completed or is currently enrolled in an approved  
18 apprenticeship program or in a technical school program in the plumbing  
19 ~~((construction)), pipefitting, or fuel gas fitting trade in a school~~  
20 approved by the work force training and education coordinating board,  
21 may work without direct on-site supervision during the last six months  
22 of meeting the practical experience requirements of this chapter.

23 (4) An individual who has a current training certificate and who  
24 has successfully completed or is currently enrolled in a medical gas  
25 piping installer training course approved by the department may work on  
26 medical gas piping systems if the individual is under the direct  
27 supervision of a certified medical gas piping installer who holds a  
28 medical gas piping installer endorsement one hundred percent of a  
29 working day on a one-to-one ratio.

30 **Sec. 6.** RCW 18.106.090 and 1985 c 7 s 78 are each amended to read  
31 as follows:

32 (1) The department is authorized to grant and issue temporary  
33 permits in lieu of certificates of competency whenever: (a) A plumber  
34 coming into the state of Washington from another state requests the  
35 department for a temporary permit to engage in the trade of plumbing as  
36 a journeyman plumber or as a specialty plumber; (b) a journeyman  
37 pipefitter coming into the state of Washington from another state  
38 requests the department for a temporary permit to engage in the trade

1 of pipefitting as a journeyman pipefitter; or (c) a fuel gas fitter  
2 coming into the state of Washington from another state requests the  
3 department for a temporary permit to engage in fuel gas fitting, during  
4 the period of time between filing of an application for a certificate  
5 as provided in RCW 18.106.030 ((as now or hereafter amended)) and  
6 taking the examination provided for in RCW 18.106.050( (:—PROVIDED,  
7 That)).

8 (2) No temporary permit shall be issued to:

9 ((+1)) (a) Any person who has failed to pass the examination for  
10 a certificate of competency;

11 ((+2)) (b) Any applicant under this section who has not furnished  
12 the department with such evidence required under RCW 18.106.030;

13 ((+3)) (c) To any apprentice plumber or pipefitter.

14 **Sec. 7.** RCW 18.106.155 and 1977 ex.s. c 149 s 11 are each amended  
15 to read as follows:

16 The director may, upon payment of the appropriate fees, grant a  
17 certificate of competency without examination to any applicant who is  
18 a registered journeyman plumber, journeyman pipefitter, journeyman fuel  
19 gas fitter, or specialty plumber in any other state whose requirements  
20 for registration are at least substantially equivalent to the  
21 requirements of this state, and which extends the same privileges of  
22 reciprocity to journeymen plumbers, journeymen pipefitters, journeyman  
23 fuel gas fitters, or specialty plumbers registered in this state.

24 **Sec. 8.** RCW 18.106.170 and 1983 c 124 s 6 are each amended to read  
25 as follows:

26 An authorized representative of the department may investigate  
27 alleged or apparent violations of this chapter. An authorized  
28 representative of the department upon presentation of credentials may  
29 inspect sites at which a person is doing plumbing, pipefitting, or fuel  
30 gas fitting work for the purpose of determining whether that person has  
31 ((a)) an appropriate certificate or permit issued by the department in  
32 accordance with this chapter or has an appropriate training certificate  
33 and is supervised by a person who has such a certificate or permit.  
34 Upon request of the authorized representative of the department, a  
35 person doing plumbing, pipefitting, or fuel gas fitting work shall  
36 produce evidence that the person has ((a)) an appropriate certificate  
37 or permit issued by the department in accordance with this chapter or

1 has an appropriate training certificate and is supervised by a person  
2 who has such a certificate or permit.

3 NEW SECTION. **Sec. 9.** No examination is required of an applicant  
4 for a certificate of competency as a journeyman pipefitter or as a  
5 journeyman fuel gas fitter if the applicant was engaged in a bona fide  
6 business or trade of pipefitting or fuel gas fitting and has  
7 accumulated a minimum of ten thousand hours of experience as a  
8 pipefitter or fuel gas fitter prior to July 1, 2002. Applicants  
9 qualifying under this section shall be issued a certificate by the  
10 department of labor and industries upon making an application as  
11 provided in RCW 18.106.030 and paying the fee required under RCW  
12 18.106.050.

13 This section expires one year after the effective date of this act.

14 **Sec. 10.** RCW 18.106.180 and 2000 c 171 s 27 are each amended to  
15 read as follows:

16 An authorized representative of the department may issue a notice  
17 of infraction as specified in RCW 18.106.020(~~((4))~~) (6) if a person who  
18 is doing plumbing, pipefitting, or fuel gas fitting work or who is  
19 offering to do plumbing, pipefitting, or fuel gas fitting work fails to  
20 produce evidence of having a certificate or permit issued by the  
21 department in accordance with this chapter or of being supervised by a  
22 person who has such a certificate or permit. A notice of infraction  
23 issued under this section shall be personally served on the person  
24 named in the notice by an authorized representative of the department  
25 or sent by certified mail to the last known address provided to the  
26 department of the person named in the notice.

27 **Sec. 11.** RCW 18.106.250 and 2000 c 171 s 28 are each amended to  
28 read as follows:

29 (1) The administrative law judge shall conduct notice of infraction  
30 cases under this chapter pursuant to chapter 34.05 RCW.

31 (2) The burden of proof is on the department to establish the  
32 commission of the infraction by a preponderance of the evidence. The  
33 notice of infraction shall be dismissed if the defendant establishes  
34 that, at the time the notice was issued:

35 (a) The defendant who was issued a notice of infraction authorized  
36 by RCW 18.106.020(~~((4)(a))~~) (6)(a) had a certificate or permit issued

1 by the department in accordance with this chapter, was supervised by a  
2 person who has such a certificate or permit, or was exempt from this  
3 chapter under RCW 18.106.150; or

4 (b) For the defendant who was issued a notice of infraction  
5 authorized by RCW 18.106.020(~~((4) (b) or (c))~~) (6) (b) or (c), the  
6 person employed or supervised by the defendant has a certificate or  
7 permit issued by the department in accordance with this chapter, was  
8 supervised by a person who had such a certificate or permit, or was  
9 exempt from this chapter under RCW 18.106.150.

10 (3) After consideration of the evidence and argument, the  
11 administrative law judge shall determine whether the infraction was  
12 committed. If it has not been established that the infraction was  
13 committed, an order dismissing the notice shall be entered in the  
14 record of the proceedings. If it has been established that the  
15 infraction was committed, the administrative law judge shall issue  
16 findings of fact and conclusions of law in its decision and order  
17 determining whether the infraction was committed.

18 (4) An appeal from the administrative law judge's determination or  
19 order shall be to the superior court. The decision of the superior  
20 court is subject only to discretionary review pursuant to Rule 2.3 of  
21 the Rules of Appellate Procedure.

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